

SK



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

YDW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/126,194	07/30/98	VANDERMINDEN	W 75700/225
------------	----------	--------------	-------------

PM82/0815
CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
OLSTEIN
SIX BECKER FARM FOAD
ROSELAND NJ 07068

EXAMINER

AVERY, B

ART UNIT

PAPER NUMBER

3618

13

DATE MAILED: 08/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/126,194

Applicant(s)

Vanderminden, William M.

Examiner

Bridget Avery

Group Art Unit

3618



☒ Responsive to communication(s) filed on May 25, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 9, 13, 15, 18, and 24 is/are rejected.

☒ Claim(s) 4-8, 10-12, 14, 16, 17, and 19-23 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3618

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
 - (b) Cross-References to Related Applications.
 - (c) Statement Regarding Federally Sponsored Research or Development.
 - (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
 - (e) Background of the Invention.
 1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (f) Brief Summary of the Invention.
 - (g) Brief Description of the Several Views of the Drawing(s).
 - (h) Detailed Description of the Invention.
 - (i) Claim or Claims (commencing on a separate sheet).
 - (j) Abstract of the Disclosure (commencing on a separate sheet).
 - (k) Drawings.
 - (l) Sequence Listing (see 37 CFR 1.821-1.825).
2. The disclosure is objected to because of the following informalities: The titles should be added to each section of the specification.

Art Unit: 3618

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9, 13, 15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vredenburg (US Design Patent 252,563).

Vredenburg discloses a serving cart including a body frame (A) of box-shaped skeletal structure; a pair of leg frames (B), each leg frame (B) being disposed at an opposite side of the body frame (A) from the other of the leg frames (B); connecting means (as can be seen from the drawings) integrated in the body frame (A) and each leg frame (B) for connecting each leg frame (B) to the body frame (A); a table top (C) connected to and across the leg frames (B) in vertically spaced relation to the body frame (A); and a horizontally disposed floor plate (D) mounted in the body frame (A) to provide a shelf. Vredenburg discloses the claimed invention except for a

Art Unit: 3618

releasable connection between parts and a fabric strip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a releasable connection between parts for ease in storage, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. See *Nerwin v. Erlichman*, 168 USPQ 177, 179 and *In re Dulberg*, 289 F.2d 522, 129 USPQ 348, 349 (CCPA 1961).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a fabric strip since it was known in the art that fabric strips are used as straps for securing objects.

Allowable Subject Matter

5. Claims 4-8, 10-12, 14, 16, 17 and 19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 5/25/00 have been fully considered but they are not persuasive. Contrary to applicant's arguments, the patent to Vredenburg discloses a pair of leg frames attached to a body frame. While applicant's leg frames consist of a pair of leg members coupled

Art Unit: 3618

together to form a leg frame, applicant has failed to describe this detail within his claims. It should also be noted that the body frame of Vredenburg include every element labeled in the drawings as (A). The short horizontal bars are a part of the body frame and is not considered, by the Examiner, to be a portion of the leg frames.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3618

Fields shows a collapsible cart.

Liu shows combination shelving.

McCusker shows a recreation station.

Stevens shows a cart system.

Kitts shows a portable utility cart.

Good shows a business machine stand.

Melges shows a dismountable picnic table.

Lichtstern et al. shows a table.

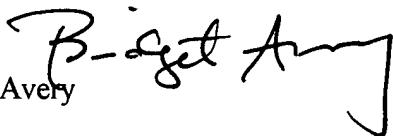
Drinkwater shows a food conveyer.

Linder shows a printer cart.


Klein et al. shows a serving cart.

Frick shows a food service cart.

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number (703) 308-2086.


Avery

August 10, 2000


PAUL N. DICKSON
PRIMARY EXAMINER 8/14/00